



***Substitute House Bill No. 5540***

***Public Act No. 12-188***

***AN ACT CONCERNING THE DISPOSAL OF SOLID WASTE AT  
OUT-OF-STATE LAND DISPOSAL FACILITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 22a-228 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Commissioner of Energy and Environmental Protection shall adopt regulations in accordance with the provisions of chapter 54 establishing procedures for adopting and amending a state-wide solid waste management plan and for granting temporary variances from the provisions of the plan. Such regulations shall require notice to each affected municipality by certified mail, return receipt requested, and an opportunity for public comment, including regional hearings, and shall assure full consideration of and response to any comments received by the commissioner. The state-wide solid waste management plan shall be adopted and amended in accordance with such regulations, but shall not be deemed to be a regulation for purposes of chapter 54.

(b) On or after January 1, 1987, the Commissioner of Energy and Environmental Protection shall adopt a state-wide solid waste management plan which shall incorporate each municipal solid waste

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management plan approved pursuant to section 22a-227. The plan shall establish specific goals for source reduction, bulky waste recycling and composting. The plan shall establish the following order of priority for managing solid waste: Source reduction; recycling; composting of yard waste or vegetable matter; bulky waste recycling; resource recovery or waste-to-energy plants; incineration and landfilling.

(c) The commissioner shall amend said plan to include an assessment of the amount of landfill capacity needed in the state for landfills for residue from resources recovery facilities, ash from municipal incinerators and for bulky waste. Such assessment shall include (1) a projection of the annual capacity needed for the twenty-year period commencing on July 1, 1989, and (2) a minimum and maximum number of landfills in simultaneous operation required to dispose of such residue, ash or waste. Such amendment shall be available to the public on or before January 1, 1989.

(d) On or before January 1, 1990, the Commissioner of Energy and Environmental Protection shall revise the state-wide solid waste management plan to include a source reduction component that outlines specific strategies to reduce the solid waste generated in this state by an amount not less than the amount required to maintain until the year 2010 the annual per capita solid waste generation rate at the rate estimated by the commissioner in 1988. Such strategies shall include measures to reduce waste from packaging materials and disposable products.

(e) Notwithstanding any provision of this section, the commissioner shall not prohibit the disposal of solid waste at any out-of-state land disposal facility provided such land disposal facility is in compliance with all applicable federal, state and local requirements and any municipality or contractor that so disposes of solid waste made an effort to utilize a waste-to-energy facility. Nothing in this section shall

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be deemed to apply to solid waste generated within the geographic boundaries of any municipality that has a disposal contract with the Southeastern Regional Resources Recovery Authority.

Approved June 15, 2012